

ROCHESTER CITY COUNCIL

REGULAR MEETING

JULY 14, 2009

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

**BHRM**

\*Caryl J. Anstedt  
\*Nancy C. Rawlins  
\*Carol F. Willimas

**Communications**

\*Grace A. Girsch

**DCD**

Marcia Z. Opperman

**DES**

Gregory T. Marling  
\*Daniel A. Northrop  
\*Carole V. Thomas  
\*Frank D. Umbrino

**ECD**

\*Beverly D. Smith

**FIN**

\*Donna M. Corona

**IT**

\*Carol A. Lighthouse

**LIBRARY**

\*Mary Ellen Zenkar

**RFD**

\*James N. Cotton

**RPD**

\*Mark V. Beaudrault

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\*James C. Hall

*\*Not attending meeting.*

## APPROVAL OF THE MINUTES

By Councilmember Warren

RESOLVED, that the minutes of the Public Hearing of June 10, 2009 and the minutes of the Regular Meeting of June 16, 2009 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

## COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Public Disclosure - CDBG Participation (2) 3970-09, 3971-09  
Delinquent Receivables 3972-09

## THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

## PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing Amendatory 2005-06 And 2006-07 Community Development Program Plans To Fund Foreclosure Prevention Int. No. 259 No speakers.

Authorizing Amendatory 2003-04 And 2004-05 Community Development Program Plans And Authorizing A Loan Agreement For The El Camino Estates Project Int. No. 262 No speakers.

Changing The Zoning Classification Of 330-332 Hayward Avenue From R-1 Low Density Residential To C-2 Community Center Int. No. 263 No speakers.

Amending The Official Map By Dedicating Parcels To Street Purposes And Adding Said Parcels To Lawn Street Int. No. 271 No speakers.

Approving The Urban Renewal Plan For The Dewey-Driving Park Urban Renewal District Int. No. 275 No speakers.

Changing The Zoning Classification Of Parcels On Dewey Avenue, Lexington Avenue and Driving Park Avenue From R-1 Low Density Residential, C-1 Neighborhood Center, C-2 Community Center And Driving

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Park Urban Renewal District To Dewey-Driving Park Urban Renewal District Int. No. 276  
No speakers.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending Zoning Regulations For The  
Dewey-Driving Park Urban Renewal District Int. No. 277 No speakers.

Resolution Approving And Adopting The Amended Urban Renewal Plan For The Dewey-Driving Park  
Urban Renewal District Int. No. URA-7 No speakers.

## INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

### REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
July 14, 2009

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 248 - Establishing Maximum Compensation For An Amendatory Professional Services  
Agreement For Municipal Parking Services

Int. No. 249 - Establishing Maximum Compensation For An Amendatory Professional Services  
Agreement For Federal Lobbying Services, As Amended

Int. No. 250 - Amending Ordinance No. 2007-468, The City Arts Policy

Int. No. 251 - Establishing Maximum Annual Compensation For A Professional Services  
Agreement For Real Estate Title Services

Int. No. 252 - Establishing Maximum Compensation For An Amendatory Professional Services  
Agreement For Information Technology Services

Int. No. 282 - Establishing Maximum Compensation For An Agreement For The Rochester Indie  
Fest

Respectfully submitted,  
Carolee A. Conklin  
Carla M. Palumbo (*Absent*)  
Lovely A. Warren  
Gladys Santiago  
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
Ladies and Gentlemen:

July 14, 2009

Ordinance No. 2009-222  
Re: Amendatory Agreement - Shamrock  
Training and Consulting, Municipal  
Parking Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Shamrock Training and Consulting (Principal, Dave Keefe), for continued municipal parking and operational consulting services. The original contract, authorized in July 2008 for \$9,500, was amended by Ordinance 2008-363 and by Ordinance 2009-18 for a total contractual amount of \$38,000 with an ending date of June 30, 2009.

This amendment will increase maximum compensation by \$10,000, for a total of \$48,000, and extend the term of the agreement to October 31, 2009. The additional cost will be funded from the 2009-10 Budget of the Finance Department.

Additional consulting services are required as the parking functions are consolidated within the Finance Department.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-222  
(Int. No. 248)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For Municipal Parking Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Shamrock Training and Consulting for municipal parking consulting services. Said amount shall be funded from the 2009-10 Budget of the Department of Finance.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-223  
Re: Amendatory Agreement -  
The Ferguson Group, Federal  
Lobbying Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with The Ferguson Group of Washington, D.C. for federal lobbying services. The original agreement, authorized in December 2008, established \$60,000 as maximum compensation for services through June 30, 2009. This amendment will increase compensation by \$64,000 and extend the term to December 31, 2009. The additional cost will be funded from the 2009-10 Budget of the Mayor's Office.

The Ferguson Group (TFG) has provided federal lobbying service for the City since December 2006; highlights of their work with the City over the past six months include:

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- Advocated for significant American Recovery and Reinvestment Recovery Act funding for local governments;
- Helped develop strategies for accessing state and federal competitive ARRA funds;
- Worked to obtain \$3.325 million in the FY2009 Omnibus Appropriations Bill, for the following projects:
  - \$950,000 in transportation funding for the rehabilitation of Jefferson Avenue;
  - \$950,000 for infrastructure improvements associated with the Midtown revitalization project;
  - \$750,000 in U.S. EPA funding to implement water quality improvements at Durand Eastman Beach;
  - \$675,000 in Department of Justice funding for crime prevention efforts;
- Helped to prepare, submit, and advocate for the City's FY 2010 appropriations requests, and the inclusion of priority projects as part of the Surface Transportation Reauthorization Bill;
- Arranged for the Economic Development Agency's Northeast Director to travel to Rochester in June to meet with City staff.

Over the coming six months, TFG will continue to work with the City on the following activities:

- Advocate for priority projects to be included in the FY 2010 omnibus appropriations bill;
- Assist the City in accessing funds from the economic recovery legislation;
- Advocate for the City's priority projects to be included in legislation to reauthorize the nation's surface transportation law, which will be considered by the Congress in 2009 and 2010;
- Advocate for the City's projects to be included in the next version of the Water Resources Development Act; and
- Develop the City's priority requests for the FY 2011 appropriations process.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-223  
(Int. No. 249, As Amended)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For Federal Lobbying Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$64,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and The Ferguson Group LLC for the provision of Federal lobbying services. Of [S]aid amount, \$18,000 shall be funded from the 2009-10 Budget of the Office of the Mayor and \$46,000 shall be funded from the 2008-09 Budget of the Office of the Mayor.

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Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-224

Re: Amending Ordinance No. 2007-468,  
City Arts Policy

Transmitted herewith for your approval is legislation Amending Ordinance No. 2007-468 which authorized various aspects of the City's Arts Policy. As a result of this year's, and anticipated future, budget constraints, and the transfer of the Office of Special Events from the Department of Recreation and Youth Services to the Bureau of Communications, amendments to the policy are proposed.

#### Percent for Art

The current legislation stipulates that for certain capital projects using \$1,000,000 or more in City funds, 1% of the total of City funds shall be added to the cost of the project for the installation of permanent public art. It further requires that such amount be planned for in the Capital Improvement Plan, beginning with the 2009-10 fiscal year. Several problems have been encountered with this approach.

First, and foremost, is the obvious constraint on developing the annual budget when funds are limited. Given the 20% reduction in state aid, it was not possible to include any City spending for public art in this year's CIP. However, the City was successful in lobbying federal officials for \$3.8 million in funding for the ARTWalk2 project. Also, as City staff worked on the details of implementing the Percent for Art program, it became clear that planning and tracking such spending would be unnecessarily complicated, raising issues such as:

- How is the City share for a project calculated? Most capital projects require planning over a two to five year period, and what is anticipated in year one as City funds to be used in year four often ends up being replaced by state or federal funds that become available.
- How is the 1% tracked over the several years of a project and when is it determined that the commitment has been met?
- Tying the art funding to a specific project (a requirement of using bonds) adds a significant amount of up-front time and work (solicitation, review, and selection of art; public input, etc.).

It is proposed that, in keeping with the goal of providing 1% of City capital funds for the purpose of public art, that the following changes be adopted:

- As part of the annual CIP process, 1% of the total amount of City funding committed during the fiscal year for qualifying capital projects shall be the amount set aside for Art Installations and Enhancements;
- This amount will be funded by a Cash Capital allocation and/or any federal, state, private or other funds that may become available for the purpose.

These changes will provide the following benefits:

- The ability to clearly and directly calculate an annual amount will facilitate planning.

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- The ability to allocate funds outside the scope of specific capital projects, providing an opportunity for the City to develop a long-term master plan for public art.
- Flexibility for site selection, with the potential for installations equitably across quadrants/neighborhoods.
- Flexibility in budget planning.

Competitive Funding for Cultural Programs and Events

Section 6 of the legislation currently states: “The Mayor shall create an equitable administrative process for the review of applications for competitive funding for arts and cultural activities, to be administered by the *Department of Recreation and Youth Services...*” The amendment will change this to read “...the *Bureau of Communications.*”

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-224  
(Int. No. 250)

Amending Ordinance No. 2007-468, The City Arts Policy

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-468, the City Arts Policy, is hereby amended by amending Section 2 thereof to read in its entirety as follows:

Section 2. In the presentation of the City’s annual Capital Improvement Program (CIP), 1% of the total amount of City funding committed during the fiscal year for qualifying capital projects shall be the amount set aside for Art Installation and Enhancements. Said amount may be funded through the Cash Capital Allocation and/or any Federal, State, private or other funds that may be available for said purpose.

Section 2. Section 6 of Ordinance No. 2007-468 is hereby amended by substituting the Bureau of Communications for the Department of Recreation and Youth Services as the City agency responsible for administration of the application process.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-225  
Re: Agreement - Independent Title  
Agency, Real Estate Title Services

Transmitted herewith for your approval is legislation establishing \$50,000 as annual maximum compensation for an agreement with Independent Title Agency, LLC, 200 Canal View Blvd, for the continued provision of real estate title services. The cost of the agreement will be financed from the 2009-10 and future Budgets for Undistributed Expense.

Each year, the City requires title services for properties that are involved in tax foreclosure proceedings

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and real estate transactions. Most recently, these services have been provided by Independent under agreements authorized by the City Council in December 2002, January 2005, and January 2006.

The sale of delinquent tax liens to ATF provides an opportunity for significant savings in title services. For the 2007 tax foreclosure, Independent searched 2,569 titles. This year it is anticipated that between 150 and 200 foreclosure searches and approximately 200 sale or acquisition searches will be required.

Proposals for these services were solicited from nineteen firms; as in the past, Independent Title was the only firm to respond. Independent is recommended because its prices are reasonable and it has demonstrated through past performance its ability to provide reliable services in a timely manner.

Independent Title will provide title services and prepare creditor notification letters for properties in foreclosure, for the following fees per parcel.

<u>Service</u>	<u>Proposed Fee</u>	<u>Current Fee</u>
Preliminary (10-year) report	\$ 95	\$ 95
Update of prior preliminary report	70	70
Full (60-year) report with prior preliminary search	200	175
Full search without prior preliminary search	260	235

The term of the contract will be for one year, with the option for two one-year renewals.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-225  
(Int. No. 251)

Establishing Maximum Annual Compensation For A Professional  
Services Agreement For Real Estate Title Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Independent Title Agency, LLC, for continued provision of real estate title services for a term of one year, with two one-year renewal options. Said amounts shall be funded from the 2009-10, 2010-11 and 2011-12 Budgets for Undistributed Expense, contingent upon adoption of the latter years' budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-226  
Re: Agreement - First Consulting, Inc.,  
Information Technology

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with First Consulting, Inc., Rochester for continued services to support several key Information Technology Department (ITD) projects and initiatives. The original agreement, authorized in December 2008, established maximum



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compensation at \$461,500. This agreement will increase this amount by \$147,960 for a total of \$609,460. The additional amount will be funded from the 2006-07 Cash Capital allocation of the Information Technology Department. This amendment will also extend the term of the contract through December 31, 2009.

As you know, ITD has undertaken an aggressive plan of work to restructure and modernize the City's information technology services and support. To facilitate the accelerated timelines for completing some of the related, critical infrastructure and application improvements, First Consulting was hired to provide the depth and breadth of required expertise.

ITD is in the process of recruiting candidates to fill vacant full-time positions and anticipates hiring for some of the positions to be complete within the first quarter of 2009-10. This amendatory agreement will provide continuity of service until City staff can assume these responsibilities.

Specifically, First Consulting will provide the following services:

- Support Public Safety initiatives including Crime Analysis, Video Surveillance and other strategic priorities through data base and data warehouse management;
- Document policies and procedures for the City's Disaster Recovery Plan and the business process mapping for the Enterprise System project, and train City staff in these processes.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-78

Ordinance No. 2009-226  
(Int. No. 252)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For Information Technology  
Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$147,960, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and First Consulting, Inc. for support services for Information Technology projects and initiatives. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-227  
Re: Agreement - Rochester Independent  
Music Festival, Rochester Indie  
Fest

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Rochester Independent Music Festival, d/b/a Rochester Indie Fest (Principals: Steven Gates,

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George Daddis, Ned Corman), 500 Panorama Trail, Rochester, NY 14625, for a three-day music festival. The cost of this agreement will be financed from the 2008-09 Budget of the Bureau of Communications.

The festival will be held October 1-3, 2009, and will showcase and celebrate some of the best independent musicians in the Northeast United States. Both free and ticketed concerts will be held at several venues in the South Wedge neighborhood. Using the Austin, Texas South by Southwest festival as a model, venues will include clubs, bars, cafes, small- and mid-sized halls - all within walking distance of each other; the target audiences are young professionals and area college students.

The Rochester Indie Fest debuted in 2008 as a single-day event with strong attendance, and sponsorships exceeding goals by 10%. Awareness and promotion of the event were enhanced by the use of web-based blogs, and social networks, as well as meetings with student and young professionals organizations.

The festival's total budget for 2009 is \$135,000, which includes venue/production, talent, marketing, and administration.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-79

Ordinance No. 2009-227  
(Int. No. 282)

Establishing Maximum Compensation For An Agreement For The  
Rochester Indie Fest

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Independent Music Festival, d/b/a Rochester Indie Fest for the 2009 Rochester Indie Fest. Said amount shall be funded from the 2008-09 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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By Councilmember Warren  
July 14, 2009

To the Council:

The Neighborhood & Community Development Committee recommends for Adoption the following entitled legislation:

Int. No. 253 - Authorizing The Sale Of Real Estate

Int. No. 254 - Authorizing A Loan Agreement For The South Avenue Commons Project

Int. No. 255 - Authorizing Lease Agreements For Space In The Port Terminal Building

Int. No. 256 - Authorizing An Application And Agreement For The Lead Hazard Control Program

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Int. No. 257 - Approving A Draft Amendment To The Local Waterfront Revitalization Program And Authorizing Its Transmission To The New York State Department Of State

Int. No. 258 - Approving Consolidated Plan Housing Programs And Amending Ordinances No. 2009-196, 2007-184 And 2006-92, As Amended

Int. No. 260 - Authorizing The Sale Of Real Estate For The El Camino Estates Project

Int. No. 261 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The El Camino Estates Project

Int. No. 283 - Resolution Approving Appointment To The City Planning Commission

The Neighborhood & Community Development Committee recommends for Consideration the following entitled legislation:

Int. No. 259 - Authorizing Amendatory 2005-06 And 2006-07 Community Development Program Plans To Fund Foreclosure Prevention

Int. No. 262 - Authorizing Amendatory 2003-04 And 2004-05 Community Development Program Plans And Authorizing A Loan Agreement For The El Camino Estates Project

Int. No. 263 - Changing The Zoning Classification Of 330-332 Hayward Avenue From R-1 Low Density Residential To C-2 Community Center

Respectfully submitted,

Lovely A. Warren

Carolee A. Conklin

Carla M. Palumbo (*Absent*)

Gladys Santiago

William F. Pritchard (*Did not vote on Int. No.'s 253 thru 259*)

NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-228

Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of eight properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a vacant buildable lot and is being sold to the adjoining owner. The buyer plans to combine the lot with their adjoining property. The next two properties are being sold to adjoining owners who plan to develop each lot into parking areas. The last parcel is being sold to an adjoining owner who plans to build a single-family home on the lot. Purchasers will be required to obtain all pertinent City approvals prior to development of these lots.

The last four properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcels with their adjoining properties.

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The first year projected tax revenue for these eight properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,708.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-80

Ordinance No. 2009-228  
(Int. No. 253)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
66 Aldine St E/H 15-21	120.66-3-52	40x145	\$ 200	Raymond Scott
Anderson Ave W/H 15-21	Pt 106.83-1-41.3	27x92	\$2,200	Jeffrey Neely
Anderson Ave	Pt 106.83-1-41.3	26x62	\$ 850	*228 N. Goodman St
210 Jefferson Ter	Pt 120.51-3-63.1	55x116	\$ 475	Umenzi Thompson

\*Principals: Gary Sterns, President; Allan Sterns, Vice President

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
N/H 928 Joseph Ave	Pt 091.79-3-20	16.5x120	1,980	James McCann
S/H 928 Joseph Ave	Pt 091.79-3-20	16.5x120	1,980	Karen Hollister & Jessie Jones
242 Remington St	091.79-4-74	29x198	5,757	Walter Moorehead
80 Lime St	105.74-2-8	38x165	6,300	Melvin Young

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-229  
Re: Loan Agreement - Gregory Street  
Transfer LLC, South Avenue  
Commons

Transmitted herewith for your approval is legislation authorizing a \$1,000,000 loan agreement with Gregory Street Transfer LLC, for the development of South Avenue Commons, a mixed-rate housing project; and authorizing the Mayor to adjust the interest rate and other terms and conditions of the loan, as needed. Gregory Street Transfer LLC was formed by local development firm Konar Properties (Howard Konar, principal) to develop vacant land owned by the firm at 661-663 South Avenue. The loan will be funded from 2006-07 Cash Capital.

The development, South Avenue Commons, includes the construction of a 40,000 square foot four-story mixed-use building with approximately 68 parking spaces. The \$4.8 million project includes 33 apartments on the top three floors and approximately 7,000 square feet of commercial retail space on the first floor. The apartments are a mix of market-rate and affordable (i.e., for households earning less than 120% of area median income) studio, one-and two-bedroom units.

South Avenue Commons is a significant investment in an important neighborhood mixed-use corridor on a currently vacant site. This project will bring a well-designed addition to South Avenue between Gregory and Hickory streets; the facade materials and colors have been selected to complement the character of the neighborhood. The project has received substantial support from the community and has obtained all required approvals. Construction is anticipated to begin in the summer of 2009 and to be completed in the summer of 2010.

The terms of the loan include annual interest-only payments at 1% for a term of 15 years with the principal loan amount to be paid in full in year 16. The construction phase loan will convert to permanent financing upon the issuance of a Certificate of Occupancy for the project. Forty percent (40) of the apartments will be reserved as affordable units for the term of the loan. Also, the project may qualify for Empire Zone and COMIDA Jobs Plus property tax abatement benefits.

The sources and uses of funds for South Avenue Commons are summarized below:

<u>Source of Funds</u>		<u>Use of Funds</u>	
Bank loan	\$2,460,000	Land	\$ 427,297
City loan	1,000,000	Soft costs - construction	420,098
COMIDA	143,453	Hard costs - construction	3,714,145
Developer equity	<u>1,274,421</u>	Financing fees	<u>316,334</u>
Total	\$4,877,874	Total	\$4,877,874

SEQR review has been completed; a negative declaration was issued in January 2007.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-81

Ordinance No. 2009-229  
(Int. No. 254)

Authorizing A Loan Agreement For The South Avenue Commons  
Project

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BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Gregory Street Transfer LLC for the development of affordable housing as a part of the South Avenue Commons Project. Forty percent of the apartments, or 14, shall be affordable units for the term of the loan. The loan shall be for a term of 15 years. Interest in the amount of 1% shall be payable annually. Payment of the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$1,000,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2006-07 Cash Capital allocation.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-230  
Re: Lease Agreements - Port Terminal  
Building

Transmitted herewith for your approval is legislation authorizing agreements for retail space in the terminal building at the Port of Rochester, with the following current vendors:

Abbott's Frozen Custard, Inc. will rent approximately 750 square feet of first floor space at a monthly rate of \$1,031.25, or \$16.50 per square foot. The lease term will begin on August 1, 2009 and terminate on October 31, 2014.

California Rollin II will rent approximately 1,718 square feet of first floor space at a monthly rate of \$2,147.50, or \$15 per square foot. The lease will begin on August 1, 2009 and terminate on December 31, 2014, and will include the option for one five-year renewal, for which a new rental rate would be established by an independent appraisal.

Harbor View Cafe, LLC will rent approximately 575 square feet of first floor space at a monthly rental rate of \$575, or \$12 per square foot. The lease will begin August 1, 2009 and terminate on October 31, 2010, and will include the option for four one-year renewals at the same rate.

The rental rates were established through an independent appraisal prepared by Kevin Bruckner, MAI. Analysis of current building occupancy, market conditions and customer base, by the appraiser, was utilized in the development of the rental amounts.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-230  
(Int. No. 255)

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Authorizing Lease Agreements For Space In The Port Terminal  
Building

WHEREAS, the City of Rochester has received proposals for the continued lease of space in the Port Terminal Building; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed leases; and

WHEREAS, the terms of the leases are reasonable and necessary in light of their intended purpose and the public will benefit throughout the term of the leases;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a lease agreement with Abbott's Frozen Custard, Inc. for the lease of approximately 750 square feet of commercial space on the first floor of the Port Terminal Building from August 1, 2009 through October 31, 2014 at a monthly rental rate of \$1,031.25.

Section 2. The Council hereby further approves a lease agreement with California Rollin II for the lease of approximately 1,718 square feet of commercial space on the first floor of the Port Terminal Building from August 1, 2009 through December 31, 2014 at a monthly rental rate of \$2,147.50.

Section 3. The Council hereby approves a lease agreement with Harbor View Café, LLC. for the lease of approximately 575 square feet of commercial space on the first floor of the Port Terminal Building from August 1, 2009 through October 31, 2010 at a monthly rental rate of \$575.

Section 4. The lease agreements shall contain such additional terms and conditions as the Mayor or his designee deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-231  
Re: Agreement - US Department of  
Housing and Urban Development,  
Lead Hazard Control Grant  
Application

Transmitted herewith for your approval is legislation authorizing an agreement with the US Department of Housing and Urban Development for the application for a Healthy Homes and Lead Hazard Control grant in the amount of \$2,000,000.

The grant application will support the City's Lead Hazard Control Program where deferred loans are made available to eligible owners of privately-held 1-4 unit residential structures. Eligible repairs include: window replacement, porch repair, painting, siding, bare soil treatment, and minor rehabilitation work associated with lead hazard control.

A City funding match of \$1,000,000 will be combined with \$1,250,000 of the HUD grant to address lead paint remediation for a total of 125 residential units over a three-year period, with an average loan of \$18,000 per unit. The remaining \$750,000 of HUD funds will be applied to lead-based paint inspections, child blood testing, lead-safe work practices training, temporary relocation, outreach, and administrative costs.

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Participating owners will be required to complete a HUD-approved lead safe work practices training course. They must also agree to have child occupants under age six tested for lead poisoning if they have not done so six months before the work starts. Rental property owners will be required to produce a 10% funding match and agree to provide rents affordable to families earning incomes at or below 50% area median income. Property owners must agree to maintain the assisted unit(s) as lead-safe for a period of five years.

The program will be made available City-wide with an emphasis on enrolling families with children living in the City's "at-risk" neighborhoods. These areas comprise 41 census tracts where the incidence of child lead poisoning is greatest. If funded, applications are expected to be taken beginning in January 2010.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-231  
(Int. No. 256)

Authorizing An Application And Agreement For The Lead Hazard  
Control Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of Housing and Urban Development for funding for the City's Lead Hazard Control Program.

Section 2. The application and agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-232  
Re: Amendment of the City of Rochester  
Local Waterfront Revitalization  
Program (LWRP)

Transmitted herewith for your approval is legislation approving a Draft Amendment for the City of Rochester's Local Waterfront Revitalization Program (LWRP) and authorizing its submission to the New York State Department of State for review and approval.

The LWRP was originally adopted by City Council and approved by the New York State Department of State (NYSDOS) in 1990. An LWRP is designed to give coastal communities an opportunity to analyze their shoreline areas, establish policies to guide development and implement appropriate waterfront land uses and projects. Municipalities with an approved LWRP are eligible for state financial assistance to implement proposed projects.

The purpose of this draft amendment is to update the LWRP's goals and policies for future land use and development of the Port of Rochester site. The draft amendment includes a conceptual development plan that proposes a new marina basin, mixed-use land-side development, parking areas, as well as open space, trail, and other public amenity improvements.



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The draft amendment has been prepared based on a series of public meetings and workshops and other community input as well as reports and recommendations from the City's marina and waterfront development consultants and discussions with the NYSDOS. It provides appropriate guidance and direction for the future development of the site in a manner consistent with New York State coastal policies and objectives. It also establishes a broad and flexible development and design framework to guide future land use, zoning and funding decisions at the Port Site in a way that respects the waterfront environment, protects critical resources and adequately responds to future market conditions. The draft amendment consists of various modifications or updates to the following sections of the LWRP:

Task II: Inventory and Analysis  
Task III: Policies  
Task IV: Uses and Projects  
Task V: Implementing Techniques

Following review and approval by the New York State Department of State and the conclusion of the environmental review process, the amendment will be resubmitted to Rochester City Council for a public hearing and final approval.

A copy of the Plan, including the draft amendment, has been distributed to Councilmembers.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-82

Ordinance No. 2009-232  
(Int. No. 257)

Approving A Draft Amendment To The Local Waterfront  
Revitalization Program And Authorizing Its Transmission To The  
New York State Department Of State

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the Draft Amendment to the Local Waterfront Revitalization Program as submitted by the Mayor and authorizes the Mayor to transmit it to the New York State Department of State for initiation of the required review in accordance with Article 42 of the New York State Executive Law.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

At the Committee Meeting on July 9 2009, the Council recommended Int. No. 258 for adoption and Int. No. 259 for consideration. As a result Ordinance numbers do not follow one another.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-233 and  
Ordinance No. 2009-236

Re: Consolidated Plan Housing  
Programs

July 14, 2009

Transmitted herewith for your approval is legislation related to the financing and implementation of City housing programs consistent with the City's Housing Policy. This legislation will:

1. Appropriate Community Development Block Grant and HOME funds as follows:
  - a. \$1,113,365 from the Improving the Housing Stock and General Property Conditions allocation of the HOME Program/Housing Development Fund, as follows:

<u>Year</u>	<u>Amount</u>
2009-10	\$526,365
2008-09	\$587,000
  - b. \$321,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 CDBG/Housing Development Fund;
  - c. \$375,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 CDBG/Homeownership Assistance Fund;
  - d. \$70,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 CDBG/Promote Housing Choice Fund;
  - e. \$30,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 HOME/Homeownership Fund; and
2. Amend Consolidated Community Development Plans, to transfer a total of \$68,000 from the CDBG Housing Program Promotion allocation to the Foreclosure Prevention allocation, and to appropriate or re-appropriate these funds as follows:

<u>Year</u>	<u>Amount</u>	<u>Action</u>
2006-07	\$50,000	Appropriate
2005-06	\$18,000 (Ord. 2005-309)	Re-appropriate

3. Authorize agreements necessary to implement the programs.

The above actions provide a total of \$1,977,365 which will be allocated for the following purposes. Descriptions of programs, including goals and accomplishments, are attached.

Housing Development Fund (\$1,434,365)

This fund provides financing for the development of owner housing by Community Housing Development Organizations (CHDOs) through the acquisition, rehabilitation, and resale of vacant structures; provides rehabilitation grants and loans for owner occupant repairs and lead hazard reduction for both owners and landlords; operating assistance for housing development support for the Home Rochester Program and the Focused investment Strategy. This fund also provides funding for the Emergency Assistance Repair Program, development of rental housing, and the administration of the NeighborWorks Revolving Loan Fund. Funds will be distributed through agreements with the following:

<u>Agency</u>	<u>Purpose</u>	<u>Amount</u>	<u>Source</u>
CHDOs	Development	\$526,365	2009-10 HOME
CHDOs PathStone, Urban League of Rochester EDC	Development	\$587,000	2008-09 HOME

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Rochester Housing Development Fund Corp.	Housing Dev't Support	\$186,000	2009-10 CDBG
Greater Rochester Housing Partnership, Inc.	Housing Dev't Support	\$80,000	2009-10 CDBG
Neighborworks Rochester	Revolving Loan Fund Operating Support	\$55,000	2009-10 CDBG

Homeownership Assistance Fund (\$473,000)

This fund provides down-payment and closing cost assistance to first-time homebuyers, pre- and post-purchase education and training; write-down subsidies for the acquisition and rehabilitation and resale of vacant structures; foreclosure prevention services, and mortgage default resolution. Funds will be distributed through agreements with the following:

<u>Agency</u>	<u>Purpose</u>	<u>Amount</u>	<u>Source</u>
The Housing Council	Foreclosure Prevention:	\$335,000	2009-10 CDBG
	Mortgage Default Resolution	\$18,000	2005-06 CDBG
	and Predatory Lending Prev.	\$50,000	2006-07 CDBG
Empire Justice Center	Foreclosure Prevention: Predatory Lending Prevention Legal Services	\$40,000	2009-10 CDBG
NeighborWorks Rochester	Home Buyer Training	\$30,000	2009-10 HOME

Promote Housing Choice Fund (\$70,000)

This fund will help the City meet federal requirements to actively promote fair housing choice. Funds will be used for an agreement with:

<u>Agency</u>	<u>Purpose</u>	<u>Amount</u>	<u>Source</u>
Empire Justice Center	Fair Housing/Lending Monitoring Services	\$70,000	2009-10 CDBG

Public hearings on amending the 2005-06 and 2006-07 Consolidated Community Development Plans are required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-83

Ordinance No. 2009-233  
(Int. No. 258, As Amended)

Approving Consolidated Plan Housing Programs And Amending  
Ordinances No. 2009-196, 2007- 184 And 2006-92

BE IT ORDAINED, by the Council of the City of Rochester as follows:

July 14, 2009

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program the sum of \$766,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 HOME Program the sum of \$556,365, from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 HOME Program the sum of \$587,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program the sum of \$50,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program the sum of \$18,000, or so much thereof as may be necessary, to fund the following Consolidated Plan Housing Programs:

Housing Development Fund		\$1,434,365
CHDOs	\$526,365	
CHDOs, PathStone, URLEDC	587,000	
Rochester Housing Fund Development Corp.	186,000	
Greater Rochester Housing Partnership	80,000	
NeighborWorks Rochester	55,000	
Homeownership Assistance Fund		473,000
The Housing Council	403,000	
Empire Justice Center	40,000	
NeighborWorks Rochester	30,000	
Promote Housing Choice Fund		70,000
Empire Justice Center	70,000	

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2009-196, authorizing agreements for the Emergency Shelter Grant Program, as amended, is hereby further amended by increasing the amount authorized for the Veteran's Outreach Center agreement by the sum of \$7,690, thereby raising to total amount authorized for the agreement to \$15,780. Of said amount, \$983 is hereby appropriated from 2009-10 Emergency Shelter Grant Program Funds, \$5,609 is hereby reappropriated from 2007-08 Emergency Shelter Grant Program Funds and \$1,098 is hereby reappropriated from 2006-07 Emergency Shelter Grant Program Funds. Ordinance No. 2007-184, authorizing agreements for the Emergency Shelter Grant Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$5,609, which amount is reappropriated herein. Ordinance No. 2006-92, authorizing agreements for the Emergency Shelter Grant Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$1,098, which amount is reappropriated herein. The Director of Finance is authorized to make reductions in the amounts authorized for various agreements by these ordinances to reflect the unexpended funds.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

At the Committee Meeting on July 9, 2009, the Council recommended Int. No. 260 and 261 for adoption and recommended Int. No. 262 for consideration. As a result Ordinance numbers do not follow one another.

TO THE COUNCIL

July 14, 2009

Ladies and Gentlemen:

Ordinance No. 2009-234, Ordinance No. 2009-235  
And Ordinance No. 2009-237

Re: El Camino Estates Project

Transmitted herewith for your approval is legislation relating to the El Camino Estates Affordable Housing Project being undertaken by Ibero-American Development Corporation. This legislation will:

1. Authorize the sale of 23 City-owned vacant lots to Ibero-American Development Corporation (IADC), or an affiliated partnership or housing development fund corporation to be formed by IADC, for the project;
2. Authorize property tax exemptions and payment-in-lieu-of-taxes agreements for the project;
3. Amend the 2004-05 and 2003-04 Consolidated Community Development Plans to appropriate, or re-appropriate, and transfer a total of \$304,401 CDBG allocations as follows:

<u>Plan Year</u>	<u>Amount</u>	<u>Action</u>	<u>Transfer from</u>	<u>Transfer to</u>
2004-05	\$300,000	Appropriate	EAHI	Rental Housing
2003-04	\$4,401	Reappropriate	New Housing Construction (Ord. 2003-301)	Rental Housing

4. Appropriate \$130,599 from the Rental Housing account of the Improving the General Housing Stock Allocation of the 2008-09 HOME Program as a development subsidy;
5. Authorize a loan agreement not to exceed \$435,000 with IADC, or a subsidiary to be formed for the project, in the form of a loan, which will be funded from the above appropriations; and
6. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits or for the project.

This project includes the construction of 24 family rental housing units, including one two-family house, and the rehabilitation of a privately owned single-family house, on clustered sites located near the El Camino Trail area in the 14621 neighborhood. A property list and map are attached.

IADC has received Low Income Housing Tax Credits and New York State Housing Trust Funds for the construction of this project. All units will be for families with 50% or less of median income. Eight units of project-based Section 8 assistance have been awarded by the Rochester Housing Authority. At the end of the fifteen-year compliance period, the single-family homes will be offered to the tenants for purchase.

Of the 25 units in the project, six will be three-bedroom, 16 will be four-bedroom, and three will be four-bedroom handicapped accessible. Two units will be designed for the hearing- and visually-impaired and four units will be reserved for households with a family member with either a physical or developmental disability. All homes will be visitable.

All units will meet or exceed the standards for the New York State Division of Housing and Community Renewal Green Building Initiatives and the New York State Energy Efficiency Initiative.

IADC has invested more than \$4M in this neighborhood, including the Buena Vista Senior Apartments, two group homes, offices for the Ibero-American Action League's Developmental Disabilities Division offices, space for an adult day habilitation program, and rehabilitation of property to house a pre-vocational training program for the developmentally disabled.

El Camino Estates is part of broad revitalization plan that includes, at the initiation of IADC, a neighborhood planning process. Participants include Group 14621, Huntington Park Block Group, Ibero -American Action

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League, Genesee Land Trust, Sectors 9 and 10, and City staff. The goal is to provide a plan centered on the El Camino trail.

Presently, IADC plans to partner with Group 14621 to aggressively work with neighborhood homeowners and residents to assist them in using available resources to keep their properties in good condition and enhance the appearance of the neighborhood.

Project Budget

Costs:	Property acquisition	\$ 10,501
	Soft costs	640,318
	Construction	5,449,955
	Construction contingency	304,514
	Developer fee	803,058
	Reserves	72,083
	Working capital	<u>59,000</u>
	Total	\$7,339,429
Sources:	City HOME Program	\$ 435,000
	LIHTC Equity	3,684,631
	NYS Housing Trust Fund	2,100,000
	Federal Home Loan Bank/TCAP	<u>1,119,798</u>
	Total	\$7,339,429

City funds will be used to partially fund 11 homes via a 20-year permanent loan with interest at the Applicable Federal Rate (AFR) and annual interest payments of 1%. The proposed in-lieu of tax agreement would provide a 30 year exemption in consideration for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents less utility costs).

Public Hearings to amend the 2003-04 and 2004-05 Consolidated Community Development Plans are required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-84

Ordinance No. 2009-234  
(Int. No. 260)

Authorizing The Sale Of Real Estate For The El Camino Estates  
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Ibero-American Development Corporation or an affiliated partnership or housing development fund company formed for the El Camino Estates Project, at their appraised value, for the construction of housing as a part of the El Camino Estates Project:

<u>Parcel Addresses</u>	<u>Dimensions</u>	<u>SBL#</u>	<u>Price</u>
46 Conkey Avenue	50'x105'	106.29-3-17	\$450
58 Conkey Avenue	40'x145'	106.29-3-19.1	\$450
64 Conkey Avenue	45'x100'	106.29-3-1.1	\$425
97 Conkey Avenue	110'x91'	106.29-4-20.2	\$600
258 Conkey Avenue	40'x123'	106.21-3-47	\$425

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271 Conkey Avenue	40'x125'	106.21-2-12	\$425
272 Conkey Avenue	40'x124'	106.21-3-66	\$425
277 Conkey Avenue	40'x124'	106.21-2-11	\$425
278 Conkey Avenue	40'x124'	106.21-3-67	\$425
284 Conkey Avenue	40'x124'	106.21-3-68	\$425
18 Harris Street	40'x120'	106.29-1-81.1	\$425
22 Harris Street	60'x130'	106.29-1-82	\$500
30 Harris Street	46'x100'	106.29-1-35	\$425
11 Nielson Street	40'x110'	106.29-1-64	\$425
13 Nielson Street	40'x110'	106.29-1-65	\$425
15 Nielson Street	40'x110'	106.29-1-66	\$425
17 Nielson Street	40'x110'	106.29-1-67	\$425
19 Nielson Street	40'x110'	106.29-1-68	\$425
5 Woodford Street	40'x110'	106.29-4-10	\$425
6 Woodford Street	40'x110'	106.29-1-79	\$425
12 Woodford Street	40'x110'	106.29-1-77	\$425
16 Woodford Street	39'x110'	106.29-1-75	\$425
17 Woodford Street	40'x110'	106.29-4-16	\$425

Section 2. City taxes and other City charges, except water charges, against said properties are hereby cancelled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-235  
(Int. No. 261)

Approving A Property Tax Exemption And Authorizing An In Lieu  
Of Tax Agreement For The El Camino Estates Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by the Ibero-American Development Corporation or an affiliated partnership or housing development fund company formed for the El Camino Estates Project, and to be used for housing as a part of the El Camino Estates Project:

<u>Parcel Addresses</u>	<u>SBL#</u>
46 Conkey Avenue	106.29-3-17
58 Conkey Avenue	106.29-3-19.1
64 Conkey Avenue	106.29-3-1.1
97 Conkey Avenue	106.29-4-20.2
258 Conkey Avenue	106.21-3-47
271 Conkey Avenue	106.21-2-12
272 Conkey Avenue	106.21-3-66
277 Conkey Avenue	106.21-2-11
278 Conkey Avenue	106.21-3-67
284 Conkey Avenue	106.21-3-68
18 Harris Street	106.29-1-81.1
22 Harris Street	106.29-1-82
30 Harris Street	106.29-1-35

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11 Nielson Street	106.29-1-64
13 Nielson Street	106.29-1-65
15 Nielson Street	106.29-1-66
17 Nielson Street	106.29-1-67
19 Nielson Street	106.29-1-68
5 Woodford Street	106.29-4-10
6 Woodford Street	106.29-1-79
12 Woodford Street	106.29-1-77
16 Woodford Street	106.29-1-75
17 Woodford Street	106.29-4-16
141 Conkey Avenue	106.29-1-69

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the housing development fund company, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2009-11

Re: Appointment - City Planning  
Commission

Transmitted herewith for your approval is legislation confirming the appointment of Julio Vazquez, 90 Waring Road, Rochester, N.Y. 14609, to the City Planning Commission. Mr. Vazquez, currently the Commissioner of Community Development, retired from City employment effective June 30, 2009.

Mr. Vazquez will fill the vacancy created by the resignation of Eleanor Chin. His term will extend to February 28, 2010.

A resume for Mr. Vazquez is on file with the City Clerk.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Resolution No. 2009-11  
(Int. No. 283)

Resolution Approving Appointment To The City Planning  
Commission

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Julio Vazquez, 90 Waring Road, to the City Planning Commission for a term which shall expire on February 28, 2010. Mr. Vazquez shall replace Eleanor Chin, who has resigned.



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Section 2. This resolution shall take effect immediately.

Adopted unanimously.

The transmittal letter accompanying this ordinance can be found on page \_\_\_\_\_.

Ordinance No. 2009-236  
(Int. No. 259)

Authorizing Amendatory 2005-06 And 2006-07 Community  
Development Program Plans To Fund Foreclosure Prevention

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the Community Development Program Plans whereby, within the Improving the Housing Stock and General Property Conditions allocations, the sum of \$18,000 shall be transferred from the Housing Program Promotion Account in 2005-06 and the sum of \$50,000 from the Housing Program Promotion Account in 2006-07, to the Foreclosure Prevention/Mortgage Default Resolution Program Accounts.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The transmittal letter accompanying this ordinance can be found on page \_\_\_\_\_.

Ordinance No. 2009-237  
(Int. No. 262, As Amended)

Authorizing Amendatory 2003-04 And 2004-05 Community  
Development Program Plans And Authorizing A Loan Agreement  
For The El Camino Estates Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the Community Development Program Plans whereby, within the Improving the Housing Stock and General Property Conditions allocations, the sum of \$4,401 shall be transferred from the New Housing Construction Account in 2003-04 and the sum of \$300,000 from the Employer Assisted Housing Initiative Account in 2004-05, to the Rental Housing Accounts, to partially fund a loan for the El Camino Estates Project.

Section 2. The Mayor is hereby authorized to enter into a loan agreement with the Ibero-American Development Corporation or an affiliated partnership or housing development fund company formed for the El Camino Estates Project. The loan shall be for a term of 20 years with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$435,000, and of said amount, or so much thereof as may be necessary, \$105,599 is hereby appropriated from 2009-10 HOME Program Funds, \$[130,599] 25,000 is hereby appropriated from 2008-09 HOME Program Funds, \$300,000 is hereby appropriated from the Improving the Housing Stock and General

July 14, 2009

Property Conditions allocations of the 2004-05 Community Development Program and \$4,401 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocations of the 2003-04 Community Development Program.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-238  
Re: Zoning Map Amendment - Rezoning  
330-332 Hayward Avenue from R-1  
Low Density Residential to C-2  
Community Center District

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the property at 330-332 Hayward Avenue from R-1 Low Density Residential to C-2 Community Center District. The rezoning is being requested by the owner, whose business, ABR Wholesalers, Inc. is located directly adjacent to the subject property at 522 N. Goodman Street. The rezoning will facilitate the combining of the two parcels into a single property for transfer, title, and tax purposes.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as unlisted. A negative declaration has been issued.

The Planning Commission held an informational hearing on June 8, 2009. There were no speakers in support or in opposition to the proposed rezoning. By a vote of 5-0-0, the Planning Commission recommends approval to City Council.

A public hearing is required for the Zoning Map amendment.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-85

Ordinance No. 2009-238  
(Int. No. 263)

Changing The Zoning Classification Of 330-332 Hayward Avenue  
From R-1 Low Density Residential To C-2 Community Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting 330-332 Hayward Avenue, from R-1 Low Density Residential to C-2 Community Center:

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All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being more particularly bounded and described as follows: Beginning at a point in the centerline of Hayward Avenue (60' ROW), at the intersection of the southerly projection of the west line of Lot 24 of the Hayward Terrace Subdivision, as filed in the Monroe County Clerk's Office in Liber 7 of Maps, Page 14, said intersection being the Point or Place of Beginning; thence

- 1) Northerly, along said projection and the west line of Lot 24, a distance of 167.8 feet, more or less, to the northwest corner thereof; thence
- 2) Easterly, along the north line of said Lot 24, a distance of 44.1 feet to the northeast corner thereof; thence
- 3) Southerly, along the east line of said Lot 24 and it's southerly projection, a distance of 164.0 feet, more or less, to the said centerline of Hayward Avenue; thence
- 4) Westerly, along said centerline, a distance of 44.0 feet, more or less, to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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By Councilmember Lightfoot  
July 14, 2009

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 264 - Establishing Maximum Compensation For A Professional Services Agreement For The La Avenida Streetscape Project

Int. No. 265 - Establishing Maximum Compensation For A Professional Services Agreement For The Hazardous Sidewalk Replacement Project

Int. No. 266 - Establishing Maximum Compensation For A Professional Services Agreement For The Manhattan Square Park Improvements Project

Int. No. 267 - Establishing Maximum Compensation For Professional Services Agreement For Resident Project Representation Services

Int. No. 268 - Amending Ordinance No. 2007-309

Int. No. 269 - Authorizing An Inter-Municipal Agreement For Radio Transmitting Equipment

Int. No. 284 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Jefferson Avenue Improvement Project

Int. No. 285 - Authorizing An Inter-Municipal Agreement For Highland Avenue Improvements

The Parks & Public Works Committee recommends for Consideration the following entitled legislation:

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Int. No. 270 - Authorizing The Acquisition By Negotiation Or Condemnation Of De Minimus Easements For The Lawn Street Improvement Project

Int. No. 271 - Amending The Official Map By Dedicating Parcels To Street Purposes And Adding Said Parcels To Lawn Street

Respectfully submitted,  
John F. Lightfoot  
Adam C. McFadden  
Carla M. Palumbo (*Absent*)  
Gladys Santiago  
William F. Pritchard  
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-239  
Re: Agreement - Bergmann Associates,  
La Avenida Streetscape Project  
(ARRA)

Transmitted herewith for your approval is legislation establishing \$173,000 as maximum compensation for an agreement with Bergmann Associates, P.C., for resident project representation (RPR) services for the La Avenida Streetscape Project. The agreement will be financed from the proceeds of bonds authorized by Ordinance 2009-74.

La Avenida spans North Clinton Avenue from Upper Falls Boulevard to Avenue D. The project will improve pedestrian accessibility and safety within the corridor. Work includes improvements to pedestrian crosswalks, replacement of damaged concrete and brick sidewalk areas and stone curb, improvements to the existing lighting, introduction of two new urban plazas that will provide areas for small gatherings and community events, and various gateway and landscape improvements. The consultant will provide RPR and general consultation services during construction.

La Avenida is a first-tier funded project under the American Recovery and Reinvestment Act (ARRA). The New York State Department of Transportation (NYSDOT) recently solicited qualifications for RPR services from fifteen consultants on their Local Design Services Agreement. When City projects include ARRA funding, RPR consultants must be selected from the NYSDOT list. Based on staff availability and qualifications, the City's Bureau of Architecture and Engineering chose Bergmann Associates for the La Avenida Streetscape Project.

RPR services will coincide with project construction in summer 2009, with scheduled completion in fall 2009.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-86

Ordinance No. 2009-239  
(Int. No. 264)

Establishing Maximum Compensation For A Professional Services  
Agreement For The La Avenida Streetscape Project

July 14, 2009

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$173,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, P.C. for resident project representation services for the La Avenida Streetscape Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2009-74.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-240

Re: Agreement - LaBella Associates,  
Hazardous Sidewalk Replacement  
Project (ARRA)

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for an agreement with LaBella Associates, P.C. for resident project representation (RPR) services for the replacement of hazardous sidewalks. The cost of the agreement will be financed from 2008-09 (\$100,000) and 2009-10 (\$100,000) Cash Capital. These funds are a portion of federal funds received through the American Recovery and Reinvestment Act.

The project includes removal and replacement of hazardous sidewalks at various locations throughout the city. Hazardous sidewalk replacement contracts are bid each year to replace sidewalks in a specified quadrant of the city. Under this agreement, the consultant will provide RPR and general consultation services for sidewalk replacement projects during both the 2009 and 2010 construction seasons.

Since a portion of the Hazardous Sidewalk Replacement Project construction cost qualified for funding under the American Recovery and Reinvestment Act (ARRA), RPR services must follow ARRA guidelines for consultant selection. The New York State Department of Transportation recently solicited qualifications for RPR services on ARRA projects from fifteen firms on their Local Design Services Agreement. The City's Bureau of Architecture and Engineering selected LaBella Associates based on the firm's staff availability and familiarity with the project.

RPR services will commence with project construction in Summer 2009, with scheduled completion in Spring 2010. Construction costs, including contingency, for the 2009 program are estimated at \$1,187,000. LaBella's services will continue during the 2010 Hazardous Sidewalk Replacement program that will begin in Spring 2010 and be completed by Fall 2010. The engineer's estimate for construction of the 2010 program is \$1,000,000.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-240  
(Int. No. 265)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Hazardous Sidewalk Replacement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

July 14, 2009

Section 1. The sum of \$200,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for resident project representation services for the Hazardous Sidewalk Replacement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Of said amount, \$100,000 shall be funded from the 2008-09 Cash Capital allocation (Local Public Works) and \$100,000 shall be funded from the 2009-10 Cash Capital allocation (Local Public Works).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-241

Re: Agreement - Stantec Consulting  
Services, Manhattan Square Park  
Phase III

Transmitted herewith for your approval is legislation establishing \$210,000 as maximum compensation for an agreement with Stantec Consulting Services Inc., for resident project representation (RPR) services for the Manhattan Square Park Phase III Project. The cost of the agreement will be financed from the proceeds of Bond Ordinance 2007-106.

Council previously authorized agreements with Stantec for RPR services for Manhattan Square Phase I work in May 2005 for \$152,000 and for Phase II work in May 2006 for \$250,000. Stantec was selected for the current phase based on this previous experience as well as qualifications and availability of personnel.

The Manhattan Square Park Phase III Project involves renovations to address safety and maintenance concerns, accommodate special events, improve the former restaurant building for leasing purposes, and enhance day-to-day park use.

Phase III includes three construction parts - A, B, and C. Part A work includes mold remediation, demolition of structural, electric and mechanical systems, structural repairs, and temporary lighting. Part B work will renovate and improve access to restrooms, and install new windows and doors. Part C work includes miscellaneous demolition, fountain reactivation, and new electrical and mechanical systems.

Part A was recently bid and will be constructed by Power and Construction Group for \$238,375. Construction is slated to begin in July 2009. Parts B and C will go out to bid in the summer of 2009; the engineers' estimate for these parts is \$1,250,000. Part B work is anticipated to begin in November, 2009. Part C work is anticipated to begin in October 2009. All work on Phase III is slated for completion by March 2010.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-241  
(Int. No. 266)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Manhattan Square Park Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

July 14, 2009

Section 1. The sum of \$210,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services Inc. for resident project representation services for Phase III of the Manhattan Square Park Improvements Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2007-106.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-242

Re: Agreements - Resident Project  
Representation Services

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with the following companies for the provision of resident project representation services (RPR):

<u>Company</u>	<u>Address</u>	<u>Amount</u>
Corneles Engineers	3495 Winton Place, Rochester	\$200,000
Lu Engineers	39 State Street, Rochester	<u>180,000</u>
	Total	\$380,000

These agreements will be financed from the following sources:

<u>Corneles Engineers</u>		<u>Lu Engineers</u>	
Bond Ord. No. 2007-265	\$90,000	Bond Ord. No. 2009-44	\$120,000
Bond Ord. No. 2007-266	\$35,000	Bond Ord. No. 2009-45	\$ 60,000
2008-09 Cash Capital	\$75,000		

Typically, resident project representation (RPR) or inspection services for City-designed construction projects are provided in-house or by private consultants that are hired to work for a specific project. However, peak periods of the summer construction season require the City to utilize temporary resident project representation services. By providing greater flexibility with respect to the assignment of RPR for various City construction projects, the proposed agreements will expedite consultant assignments while facilitating project management and completion.

In February 2009, the Department of Environmental Services solicited qualifications for RPR services from twenty engineering firms. Based on a review of those qualifications, four companies were asked to submit proposals - Clark Engineers, Corneles Engineers, Lu Engineers, and Passero Associates. Corneles Engineers and Lu Engineers are recommended for RPR services based on cost for services, qualifications, and the variety, experience, and availability of personnel.

Throughout the construction season, the agreements will be utilized for RPR services as projects require. Corneles Engineers or Lu Engineers will be selected based on project type, type of services required, and the ability to perform the services within the time specified by the City.

The agreements will be for two years.

Respectfully submitted,  
Robert J. Duffy  
Mayor

July 14, 2009

Ordinance No. 2009-242  
(Int. No. 267)

Establishing Maximum Compensation For Professional Services  
Agreements For Resident Project Representation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$200,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Corneles Engineering, P.C., for resident project representation services for two years. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the projects for which the services were provided. Of said amount, \$90,000 shall be funded from Bond Ordinance No. 2007-265, \$35,000 shall be funded from Bond Ordinance No. 2007-266 and \$75,000 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. The sum of \$180,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Lu Engineers for resident project representation services for two years. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Of said amount, \$120,000 shall be funded from Bond Ordinance No. 2009-44 and \$60,000 shall be funded from Bond Ordinance No. 2009-45.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-243  
Re: Amending Ordinance No. 2007-309,  
Term Project Management

Transmitted herewith for your approval is legislation amending Ordinance No. 2007-309 which provided funding for an amendatory agreement with Bergmann Associates for term project management services.

The funding from Bond Ordinance 2007-265 shall be reduced by \$60,000 and replaced with \$60,000 from Bond Ordinance 2009-44. This change will provide appropriate funding for Bergmann to provide project management services on the Linden Street Group Curb Replacement Project that is scheduled to begin in summer 2009 and be completed by fall 2009.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-243  
(Int. No. 268)

Amending Ordinance No. 2007-309

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-309, relating to an agreement for construction resident project representation and project management services, is hereby amended by changing the source of \$60,000 in funding from Bond Ordinance No. 2007-265 to Bond Ordinance No. 2009-44.



July 14, 2009

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-244  
Re: Inter-Municipal Agreement -  
Lease of Tower for Radio  
Transmitting Equipment

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Livingston County for the lease of space on their communications tower located on Jackman Hill Road in the Town of Livonia. The term lease is for a one-year period and is renewable for four additional one-year periods.

This lease will allow the City of Rochester to install, maintain, and operate the spread-spectrum Ethernet radio communications equipment, antennas and appurtenances necessary for transmission of data between the Hemlock Filtration Plant and points monitored by our automation system at our reservoirs and within the City's water distribution network.

The nominal annual lease fee of \$115.92 covers the City share of electrical expenses for equipment at the site. The lease amount will be increased by 3% for each additional year the lease is renewed. This fee will be paid from the annual operating budgets of the Department of Environmental Services (Water Fund).

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-244  
(Int. No. 269)

Authorizing An Inter-Municipal Agreement For Radio Transmitting  
Equipment

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Livingston County for the lease of space on its communications tower located on Jackman Hill Road in the Town of Livonia for the placement of radio transmitting equipment of the Water Bureau. The agreement shall extend for a term of one year, with four additional one-year renewal periods.

Section 2. The agreement shall obligate the City to pay \$115.92 for the first year, which amount shall increase by 3% for each renewal year. Said amounts shall be funded from the annual budgets of the Department of Environmental Services (Water Fund), contingent upon adoption of subsequent budgets.

Section 3. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

July 14, 2009

Ladies and Gentlemen:

Ordinance No. 2009-245  
Re: Agreement - Fisher Associates,  
Jefferson Avenue Improvement  
Project

Transmitted herewith for your approval is legislation establishing \$230,000 as maximum compensation for an agreement with Fisher Associates, 135 Calkins Road, Rochester, NY for engineering planning and design services for the Jefferson Avenue (South Plymouth Avenue to West Main Street) Improvement Project. The cost of the agreement will be financed from 2007-08 Cash Capital.

The project includes milling and resurfacing; some rehabilitation of features such as drainage, curb, signage, sidewalk, streetscape, crosswalks, lighting, landscaping, and traffic calming features. At the request of the New York State Department of Transportation, the City will administer the project.

Qualifications for the engineering planning and design services were solicited from 15 firms from the New York State Local Design Service Agreement; 13 responded. Based on a review of the qualifications, three companies were asked to submit proposals - C & S Companies, FRA, and Fisher Associates. Based on their qualifications and approach to the project, Fisher Associates is recommended.

Federal aid for construction of the project is anticipated. The 2008/2009 Federal Omnibus Appropriations provides \$950,000 for the Jefferson Avenue improvements. The funds will be requested upon the receipt of the grant documentation. Another \$294,000 in Federal aid for pavement maintenance is programmed in the Federal Fiscal Years 2009-10 and 2010-11. The project funds are as follows:

<u>Share</u>	<u>CIP</u>
Federal Share (Federal Fiscal Years 2009-11)	\$1,244,000
Local Share (as planned in CIP Program Years 2008-2011)	<u>1,070,000</u>
Total	\$2,314,000

Construction is planned to begin in spring 2011 with completion in fall 2011.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-245  
(Int. No. 284)

Establishing Maximum Compensation For A Professional Services  
Agreement For Design Of The Jefferson Avenue Improvement  
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$230,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Fisher Associates for engineering planning and design services for the Jefferson Avenue Improvement Project (South Plymouth Avenue to West Main Street). The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

July 14, 2009

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-246

Re: Inter-Municipal Agreement -  
Town of Brighton

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Town of Brighton for road work to be conducted by the City on a portion of Highland Avenue within the Town's right-of-way.

The City's 2009 Combined Milling & Resurfacing and Micro-pave Program planned for work on Highland Avenue. Because the project includes federal American Recovery and Reinvestment Act (ARRA) funding, the City was required to certify its right-of-way throughout the project area. During this process, it was discovered that the Town of Brighton owns a short piece of the right-of-way on Highland Avenue near Edgemere Drive that is within the pavement area to be resurfaced. The City also proposes to extend the resurfacing limit past the City Line into the Town of Brighton for practical construction purposes at the Highland Avenue and David Avenue intersection.

The inter-municipal agreement will allow the City to advance the ARRA-funded project without further interruption or delay. The Town of Brighton has agreed and adopted a resolution on June 24, 2009 allowing the City to pave the small sections of its right-of-way.

The portion of the Milling and Resurfacing contract that will address Highland Avenue should be completed in late fall 2009.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-87

Ordinance No. 2009-246  
(Int. No. 285)

Authorizing An Inter-Municipal Agreement For Highland Avenue  
Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Brighton whereby the City shall resurface Highland Avenue near its intersection with Edgemere Drive and extending to its intersection with David Avenue in the Town as a part of the Highland Avenue Improvement Project. Said improvements shall be made without cost to the Town.

Section 2. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

July 14, 2009

Ordinance No. 2009-247 and  
Ordinance No. 2009-248  
Re: Acquisition of Easements and  
Amending the Official Map -  
Lawn Street Improvement Project

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation or condemnation, of two permanent easements and one temporary easement, and; amending the Official Map by dedicating the two permanent easements as public right-of-way.

Pertinent information regarding the acquisition parcels is as follows:

<u>Property Owner</u>	<u>Sq Ft</u>	<u>Type</u>	<u>Value</u>
RG&E	61+/-	Permanent Easement	\$1,400
Christ Church	18+/-	Permanent Easement	\$ 400
RG&E	629+/-	Temporary Easement	\$1,600

As part of the Lawn Street Improvement Project, acquiring the permanent easements will allow the installation of an ADA-compliant accessible sidewalk ramp on the northeast corner of Lawn Street and Chestnut Street, and at the northwest corner of Lawn Street and Broadway. The temporary easement along the Lawn Street frontage of 89 East Avenue will be used for construction purposes during the project period.

The values were established by an independent appraisal by Robert J. Pogel, SRPA. The cost of the acquisitions will be financed from 2007-08 Cash Capital allocations.

The project includes the reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, signs, street lighting and the water main and water services; and the analysis and abandonment or repair, if necessary, of an existing areaway. Design of the project by consultant Dewberry, Inc. was authorized by Council in September 2007 (Ordinance No. 2007-347). Pavement width changes and a change in the direction of traffic flow was authorized by Council in December 2008 (Ordinance No. 2008-422 & Ordinance No. 2008-423, respectively).

The associated Official Map Amendment was presented to the City Planning Commission on June 8, 2009; the minutes of that meeting are attached. Minutes from the public informational meeting held on October 7, 2008 were previously submitted.

It is anticipated that construction will begin in Summer 2009, with substantial completion by Fall 2009.

A public hearing on the Official Map Amendment is required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-88

Ordinance No. 2009-247  
(Int. No. 270)

Authorizing The Acquisition By Negotiation Or Condemnation Of  
De Minimis Easements For The Lawn Street Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

July 14, 2009

Section 1. The Council hereby approves the acquisition of de minimis easements over the following parcels for street purposes as a part of the Lawn Street Improvement Project:

<u>Property Owner</u>	<u>SBL #</u>	<u>Sq. Ft.</u>	<u>Type</u>	<u>Value</u>
Rochester Gas and Electric Corporation	121.24-2-38	61+/-	Permanent Easement	\$1,400
Christ Church	121.25-2-2	18+/-	Permanent Easement	400
Rochester Gas and Electric Corporation	121.24-2-38	629+/-	Temporary Easement	1,600

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$3,400, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2007-08 Cash Capital allocation.

Section 3. In the event that said easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said easements. In the event of condemnation, the amounts set forth herein for the acquisitions shall be the amounts of the offers. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said easements pursuant to the Eminent Domain Procedure Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-248  
(Int. No. 271)

Amending The Official Map By Dedicating Parcels To Street  
Purposes And Adding Said Parcels To Lawn Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel to street purposes and adding said parcel to Lawn Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, and State of New York and being more particularly bounded and described as follows:

- Beginning at the point of intersection of the northerly line of Lawn Street and the easterly line of Chestnut Street;
- Thence 1) Northerly along the easterly line of Chestnut Street on a bearing of N18°18'33" E a distance of 21.01 feet (6.404 meters) to a point;
- Thence 2) Southerly through the lands of Rochester Gas and Electric Corporation (reputed owner) on a bearing of S2°57'25" W a distance of 21.78 feet (6.639 meters) to a point on the northerly line of Lawn Street;
- Thence 3) Westerly along the northerly line of Lawn Street on a bearing of N71°45'37" W a distance of 5.76 feet (1.756 meters) more or less to the point or place of beginning.

July 14, 2009

And being 61± square feet (5.6± square meters).

Being part of the same premises acquired by Rochester Gas and Electric Corporation by a deed recorded in the Monroe County Clerk's Office on July 1, 1952 and filed in Liber 2762 of Deeds at Page 281.

Subject to any easements or encumbrances existing or of record.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel to street purposes and adding said parcel to Lawn Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, and State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the northerly line of Lawn Street and the westerly line of New Broadway;

Thence 1) Westerly along the northerly line of Lawn Street on a bearing of N71°45'37" W a distance of 4.21 feet (1.283 meters) to a point;

Thence 2) Northeasterly through the lands of the Christ Church (reputed owner) on a bearing of N44°45'47"E a distance of 9.56 feet (2.914 meters) to a point on the westerly line of New Broadway;

Thence 3) Southerly along the westerly line of New Broadway on a bearing of S18°36'46" W a distance of 8.56 feet (2.609 meters) more or less to the point or place of beginning.

And being 18± square feet (1.7± square meters).

Being part of the same premises acquired by the Christ Church by a deed recorded in the Monroe County Clerk's Office on October 2, 1855 and filed in Liber 127 of Deeds at Page 505.

Subject to any easements or encumbrances existing or of record.

Section 3. This ordinance shall take effect upon acquisition by the City of easements over the parcels to be dedicated herein.

Passed unanimously.

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By Councilmember Miller  
July 14, 2009

To the Council:

The Economic Development & The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 272 - Authorizing The Acquisition Of 64 Stutson Street And 4370-4380 Lake Avenue

Int. No. 273 - Authorizing An Agreement For Economic Development Support Services

July 14, 2009

The Economic Development & The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 274 - Designating Additional Areas For Urban Renewal As Part Of The Dewey-Driving Park Urban Renewal District

Int. No. 275 - Approving The Urban Renewal Plan For The Dewey-Driving Park Urban Renewal District

Int. No. 276 - Changing The Zoning Classification Of Parcels On Dewey Avenue, Lexington Avenue and Driving Park Avenue From R-1 Low Density Residential, C-1 Neighborhood Center, C-2 Community Center And Driving Park Urban Renewal District To Dewey-Driving Park Urban Renewal District

Int. No. 277 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending Zoning Regulations For The Dewey-Driving Park Urban Renewal District

Respectfully submitted,

Dana K. Miller

John F. Lightfoot

Elaine M. Spaul

Gladys Santiago

William F. Pritchard

ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-249

Re: Purchase of 4370-4380 Lake Avenue  
And 64 Stutson Street

Transmitted herewith for your approval is legislation authorizing the purchase of two parcels, 4370-4380 Lake Avenue and 64 Stutson Street, from the New York State Department of Transportation (NYSDOT). NYSDOT will convey the property for use as a public parking lot for a \$1 waived payment. Should the City use the lot for a different purpose, the lot would be purchased from NYSDOT for fair market value.

The property was acquired by NYSDOT through eminent domain proceedings in December 1999. It was used during the construction of the O'Rourke Bridge as a staging area for contractors, with the understanding that following the completion of the bridge, the City would use the lot for public parking for surrounding property owners.

Pursuant to the requirements of the NYS Environmental Conservation Law and Chapter 48 of the City Code, this is a Type II Action. No further SEQR action is required.

The acquisition of the lot is essential to ensure that public parking is reinstated for the surrounding businesses, churches, and residents. With the anticipated opening of a restaurant at 56 Stutson Street it is expected that use will increase.

Respectfully submitted,

Robert J. Duffy

Mayor

Attachment No. AI-89

July 14, 2009

Ordinance No. 2009-249  
(Int. No. 272)

Authorizing The Acquisition Of 64 Stutson Street And 4370-4380  
Lake Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of 64 Stutson Street, SBL #047.700-2-31.2, and 4370-4380 Lake Avenue, SBL# 047.700-2-6, from the New York State Department of Transportation for the sum of \$1 for its continued use as a public parking lot. The deed will contain a reverter clause whereby the property shall revert to the State if it is not used as a public parking lot, or the City will be required to purchase the reverter at market value if it wishes to retain the property for a different use.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-250  
Re: Agreement - Greater Rochester  
Enterprise, Promoting Economic  
Development

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Greater Rochester Enterprise (GRE) to provide services related to attracting businesses to the City of Rochester. The agreement will be financed from the Fund for the City's Future, and will have a term of one year, expiring on June 30, 2010.

This past year, GRE has assisted in bringing several out-of-state leads to the City for development. They also support entrepreneurship and innovation within our community. GRE collaborates with government leaders, businesses, universities, and not-for profit organizations to help ensure a united approach to economic development within the City and the Greater Rochester/Finger Lakes region. GRE acts as an ambassador to promote the City; to connect businesses to City resources; and to lead initiatives, as appropriate, to increase resources for new business establishments.

Terms of the agreement will include the following expectations:

- Identify a minimum of fifteen out-of-region business attraction opportunities for location to City sites such as Eastman Business Park or the former Valeo site;
- Include and reference the City of Rochester prominently in all of the marketing content it develops to promote the Greater Rochester Finger Lakes region;
- Provide the opportunity for the GRE Board of Directors and Executive Committee to meet regularly with the City Commissioner of the Neighborhood and Business Development Department.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-250



July 14, 2009

(Int. No. 273)

Authorizing An Agreement For Economic Development Support  
Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Enterprise for support of the City's economic development efforts.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Fund for the City's Future.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen

Ordinance No. 2009-251, Ordinance No. 2009-252,  
Ordinance No. 2009-253 and Ordinance No. 2009-254  
Re: Dewey-Driving Park Urban  
Renewal Plan

Transmitted herewith for your approval is legislation relating to the Driving Park Urban Renewal Plan. This legislation will amend the Comprehensive Plan, the Urban Renewal Plan, the Zoning Map, and the Text of the Zoning Code as follows:

- Designate the properties at 875 Dewey Avenue and 376, 396-398 and 400-404 Lexington Avenue as eligible for inclusion in the Urban Renewal District;
- Adopt an amended Urban Renewal Plan and rename the district to Dewey-Driving Park Urban Renewal District and to create two separate areas, a North Area and a South Area;
- Expand the Urban Renewal District by rezoning the properties at:
  - 1011-1051 Dewey Avenue (odd) and 1024-1056 Dewey Avenue (even), currently C-1 Neighborhood Center District;
  - 373-375 Driving Park Avenue, currently Driving Park Urban Renewal District;
  - 308-354 Driving Park Avenue (even), 315-343 Driving Park Avenue (odd), 353, 370, 376, 396-398 and 400-404 Lexington Avenue, 733-795 Dewey Avenue (odd), and 734-862 Dewey Avenue (even), currently C-2 Community Center District; and
  - 690-728 Dewey Avenue (even), and 727 and 875 Dewey Avenue, currently R-1 Low Density Residential District; and
- Amend the text of the Zoning Code to identify that the North Area will be regulated by the C-1 Neighborhood Center District regulations, and the South Area will be regulated by the C-2

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Community Center District regulations, with some modifications to the permitted and specially permitted list in both areas.

In September 2007, the City Council designated the property at 373-375 Driving Park Avenue as the Dewey Avenue Urban Renewal District. The purpose of this designation was to facilitate the sale and redevelopment of the property at 373-375 Driving Park Avenue, which was donated to the City by Wegmans Food Market. The site is now occupied by a Price Rite store.

The expansion of the Urban Renewal District is in response to a recommendation of a Conditions Analysis Report approved by City Council in December 2008. The Urban Renewal designation of these properties will facilitate the implementation of the Driving Park & Dewey Avenue Targeted Commercial Exterior Improvement Program. The Program was created with the proceeds from the sale of the property (\$425,000). Grant funds will be provided up to \$30,000 for the renovation of eligible commercial properties located in the Dewey-Driving Park Urban Renewal District, and can be administered immediately upon City Council's approval of the amendments.

A copy of the Conditions Analysis Report and the Dewey-Driving Park Urban Renewal Plan are available for review in the Office of the City Clerk.

Changes to the Urban Renewal Plan and the Text of the Zoning Code include recommendations from the City Planning Commission and recommendations for additional text changes by the Director of Zoning at the direction of the Planning Commission during testimony at the June 8, 2009 Planning Commission hearing.

The Planning Commission held an informational meeting on the plan on June 8, 2009, and by a vote of 5-0-0, recommended approval.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, an environmental determination for this unlisted action will be issued prior to City Council action.

Public hearings are required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-90

Ordinance No. 2009-251  
(Int. No. 274)

Designating Additional Areas For Urban Renewal As Part Of The  
Dewey-Driving Park Urban Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council further finds and declares that the area in the City of Rochester encompassing the parcels at 376-404 Lexington Avenue and 875 Dewey Avenue are substandard and insanitary and are appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York, and hereby designates the same as an urban renewal area to be added to the Dewey-Driving Park Urban Renewal District.

Section 2. The Council finds that these areas are blighted, deteriorated or deteriorating due to the presence of distressed and underutilized land, and that the conditions of the areas are hampering and impeding proper economic development, and are inimical to the public health, safety, morals and welfare of the inhabitants of the City of Rochester and the State of New York. Designation of these areas as urban renewal areas will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

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Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-252  
(Int. No. 275)

Approving The Urban Renewal Plan For The Dewey-Driving Park  
Urban Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the Urban Renewal Plan for the Dewey-Driving Park Urban Renewal District as prepared by Ingalls Planning & Design and dated June 24, 2009. This Plan shall replace the Driving Park Urban Renewal Plan.

Section 2. The Council finds that:

- a. The Dewey-Driving Park Urban Renewal area is a substandard or unsanitary area, or is in danger of becoming a substandard or unsanitary area and tends to impair or arrest the sound growth and development of the municipality.
- b. The Urban Renewal Plan for the Dewey-Driving Park District affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an Urban Renewal Program.
- c. The Urban Renewal Plan for the Dewey-Driving Park Urban Renewal District conforms to the comprehensive plan for the development of the municipality as a whole.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-253  
(Int. No. 276)

Changing The Zoning Classification Of Parcels On Dewey Avenue,  
Lexington Avenue And Driving Park Avenue From R-1 Low Density  
Residential, C-1 Neighborhood Center, C-2 Community Center And  
Driving Park Urban Renewal District To Dewey-Driving Park  
Urban Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 1011-1051 Dewey Avenue and 1024-1056 Dewey Avenue from C-1 Neighborhood Center; 373-375 Driving Park Avenue from Driving Park Urban Renewal District; 308-354 Driving Park Avenue, 315-343 Driving Park Avenue, 353 and 370-404 Lexington Avenue, 733-795 Dewey Avenue and 734-862 Dewey Avenue from C-2 Community Center; and 690-728 Dewey Avenue and 727 and 875 Dewey Avenue from R-1 Low Density Residential; to Dewey-Driving Park Urban Renewal District:

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All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and described as follows:

North Area

Beginning at a point in the centerline intersection of Birr Street and Dewey Avenue; said point being the point or place of beginning;

- Thence 1) Easterly along the Birr Street centerline a distance of 174.2 feet more or less to its intersection of the northerly extension of the western line of lot 54 as shown on a subdivision map of Lakeview Homestead Association as filed in the Monroe County Clerk's Office in Liber 9 of maps at page 25;
- Thence 2) Southerly a distance of 163.52 feet more or less to the southwest corner of said lot;
- Thence 3) Westerly along southern line of lot 55 of said subdivision a distance of 4.8 feet more or less to a point;
- Thence 4) Southerly and parallel with Dewey Avenue a distance of 154.80 feet more or less to the centerline of Bryan Street;
- Thence 5) Westerly along said centerline 170 feet more or less to its intersection with Dewey Avenue;
- Thence 6) Southerly along the Dewey Avenue centerline a distance of 67.5 feet more or less to its intersection with the easterly extension of the southerly line of lot 215 as shown on a subdivision map of Rochester Driving Park as filed in the Monroe County Clerk's Office in Liber 15 of maps at page 33;
- Thence 7) Westerly a distance of 170 feet more or less to the southwest corner of said lot;
- Thence 8) Northerly a distance of 219.81 feet more or less to the northeast corner of lot 283 of the aforementioned Lakeview Homestead subdivision;
- Thence 9) Westerly a distance of 1.46 feet more or less to the southwest corner of lot 88 of said subdivision;
- Thence 10) Northerly along the westerly line of said lot a distance of 43.79 feet more or less to the northwest corner of said lot;
- Thence 11) Easterly along the northerly line of said lot a distance of 10 feet more or less to a point;
- Thence 12) Northerly and parallel with the west line of lots 89 and 90 of said subdivision a distance of 120 feet more or less to the centerline of Birr Street;
- Thence 13) Easterly along said centerline a distance of 162.11 feet more or less to the point or place of beginning.

South Area

Beginning at a point in the centerline intersection of Driving Park Avenue and Finch Street; said point being the point or place of beginning;

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- Thence 1) Easterly along center of Driving Park Avenue a distance of 206 feet more or less to the southern extension of the eastern line of lot 10 as shown on a subdivision map of Rochester Driving Park Tract as filed in the Monroe County Clerk's Office in Liber 15 of maps at page 33;
- Thence 2) Northerly along the easterly line of said lot 10 a distance of 153 feet more or less to the northeast corner of said lot;
- Thence 3) Easterly a distance of 80 feet more or less to the southeast corner of lot 69 of said subdivision;
- Thence 4) Northerly along the east line of said lot 69 a distance of 10 feet more or less to a point;
- Thence 5) Easterly on a line parallel 10 feet north of the south line of lot 70 a distance of 40 feet more or less to the east line of said lot 70;
- Thence 6) Northerly along east line of said lot 70 a distance of 28 feet more or less to the northwest corner of lot 4 of said subdivision;
- Thence 7) Easterly along the north line of said lot 4 and its extension a distance of 170 feet more or less to the centerline of Dewey Avenue;
- Thence 8) Southerly along said centerline a distance of 74 feet more or less to the westerly extension of the southerly line of lot 103 as shown on a subdivision map of D.W. Selye's as filed in the Monroe County Clerk's Office in Liber 9 of maps at page 78;
- Thence 9) Easterly a distance of 226.28 feet more or less to the northeast corner of lot 212 as shown on a subdivision map of D.W. Seyle's as filed in the Monroe County Clerk's Office in Liber 9 of maps at page 78;
- Thence 10) Southerly a distance of 116.83 feet along easterly line of said lot to the centerline of Driving Park Avenue;
- Thence 11) Westerly along said centerline a distance of 109 feet more or less to its intersection of the northerly extension of the easterly line of lot 25 as shown on a subdivision map of John Straub as filed in the Monroe County Clerk's Office in Liber 7 of maps at page 15;
- Thence 12) Southerly along the eastern line of said lot 25 a distance of 134.73 feet more or less to the southeast corner of said lot;
- Thence 13) Westerly a distance of 60 feet more or less to the centerline of Broezel Street;
- Thence 14) Southerly along said centerline a distance of 80 feet more or less to the easterly extension of the north line of lot 15 of said subdivision;
- Thence 15) Westerly along northern line of said lot 15 a distance of 113.46 feet more or less to the northwest corner of said lot;
- Thence 16) Southerly a distance of 240 feet more or less to the southwest corner of lot 5 of said subdivision;
- Thence 17) Easterly along south line of said lot 5 a distance of 43.41 feet more or less to the northwest corner of lot 4 of said subdivision;

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- Thence 18) Southerly along the west line of said lot 4 a distance of 136 feet more or less to the centerline of Lexington Avenue;
- Thence 19) Westerly along said centerline a distance of 27 feet more or less to its intersection of the northerly extension of the westerly line of lot 1 as shown on a subdivision map of Monroe Building Lot Association as filed in the Monroe County Clerk's Office in Liber 2 of maps at page 30;
- Thence 20) Southerly along westerly line of said lot 1 a distance of 162 feet more or less to the southwest corner of said lot;
- Thence 21) Easterly along the south line of said lot 1 a distance of 49.05 feet more or less to the southeast corner of said lot;
- Thence 22) Southerly a distance of 450 feet more or less to the southeast corner of lot 13 of said subdivision;
- Thence 23) Westerly along south line of said lot 13 a distance of 177.96 feet more or less to the centerline of Dewey Avenue;
- Thence 24) Northerly along said centerline a distance of 270 feet more or less to its intersection of the easterly extension of the southerly line of lot 50 of said subdivision;
- Thence 25) Westerly along south line of lot 50 a distance of 160 feet more or less to the southwest corner of said lot;
- Thence 26) Northerly a distance of 180 feet more or less to the northwest corner of lot 56 of said subdivision;
- Thence 27) Easterly along north line of said lot 56 a distance of 48 feet more or less to the southeast corner of lot 59 of said subdivision;
- Thence 28) Northerly along east line of said lot 59 a distance of 40 feet more or less to a point;
- Thence 29) Easterly on a line parallel with the south line of lot 58 a distance of 43 feet more or less to the east line of said lot;
- Thence 30) Northerly a distance of 122 feet more or less to the centerline of Lexington Avenue;
- Thence 31) Westerly along centerline of Lexington Avenue a distance of 245 feet more or less to the centerline intersection of Lexington Avenue and Finch Street;
- Thence 32) Northerly along the centerline of Finch Street a distance of 596 feet more or less to the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-254  
(Int. No. 277)

July 14, 2009  
Amending Chapter 120 Of The Municipal Code, Zoning Code, By  
Amending Zoning Regulations For The Dewey-Driving Park Urban  
Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 120-120 of the Municipal Code, relating to Urban Renewal Development Districts, as amended, is hereby further amended by amending subsection P to read in its entirety as follows:

P. Dewey-Driving Park Urban Renewal District.

(1) North Area. Land uses within the North Area of the Driving Park Urban Renewal District will be regulated by the C-1 Neighborhood Center District Zoning.

(a) Uses allowed in the C-1 Neighborhood Center District but prohibited in the Dewey - Driving Park Urban Renewal District shall include:

- [1] Attached single-family dwellings;
- [2] Bed-and-breakfast establishments;
- [3] Places of worship; and
- [4] Convents and rectories.

(b) Uses specially permitted in the C-1 Neighborhood Center District but prohibited in the Dewey - Driving Park Urban Renewal District shall include:

- [1] Community garages and parking lots;
- [2] Homeless residential facilities;
- [3] Hospice;
- [4] Residential care facilities; and
- [5] Public utilities.

(c) All of the requirements of the C-1 Neighborhood Center District contained in the Rochester Zoning Code shall apply.

(2) South Area. Land uses within the South Area of the Dewey - Driving Park Urban Renewal District will be regulated by the C-2 Community Center District Zoning.

(a) Uses allowed in the C-2 Community Center District but prohibited in the Dewey-Driving Park Urban Renewal District shall include:

- [1] Single-family attached dwellings;
- [2] Bed-and-breakfast establishments;
- [3] Day-care centers;
- [4] Animal Hospitals;
- [5] Places of worship;
- [6] Convents and rectories;
- [7] Funeral homes and mortuaries; and
- [8] Limited adult retail store when conducted entirely within an enclosed building.

(b) Uses specially permitted in the C-2 Community Center District but prohibited in the Dewey - Driving Park Urban Renewal District shall include:

- [1] Amusement center;
- [2] Animal day care;
- [3] Drive-throughs;

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- [4] Motels and hotels;
- [5] Private clubs;
- [6] Public utilities;
- [7] Research laboratories including testing facilities;
- [8] Residential care facilities;
- [9] Homeless residential facilities;
- [10] Hospices;
- [11] Rooming houses;
- [12] Vehicle service stations; and
- [13] Vehicle repair of noncommercial vehicles.

- (c) All of the requirements of the C-2 Community Center District contained in the Rochester Zoning Code shall apply.

Section 2. Section 120-119 of the Municipal Code, relating to Urban Renewal Districts, as amended, is hereby further amended by amending subsection P to read in its entirety as follows:

P. Dewey-Driving Park Urban Renewal District.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

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By Councilmember McFadden  
July 14, 2009

To the Council:

The Public Safety & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 278 - Authorizing Agreements For Youth Voice, One Vision And Amending The 2009-10 Budget

Int. No. 279 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Grant Writer

Int. No. 280 - Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

Int. No. 281 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Int. No. 286 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Training Services

Int. No. 287 - Establishing Maximum Compensation For An Agreement And Amending The 2008-09 Budget With Respect To A Youth Summit

Respectfully submitted,  
Adam C. McFadden  
Dana K. Miller  
Elaine M. Spaul (Voted against Int. No. 278)  
Gladys Santiago



July 14, 2009

William F. Pritchard  
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-255  
Re: Agreements - Rochester Area  
Community Foundation, Nazareth  
College for Youth Voice, One Vision

Transmitted herewith for your approval is legislation related to the City's Youth Voice, One Vision (YVOV) program. This legislation will:

1. Authorize an agreement with the Rochester Area Community Foundation for the receipt and use of a \$35,000 grant;
2. Amend the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the grant; and
3. Establish \$13,000 as maximum compensation for an agreement with Nazareth College for the coordination of the YVOV youth council service learning project for the period of September 2009 through August 2010. The cost of the agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

The grant will be used to support the operation and activities for Youth Voice, One Vision, a youth leadership and development program administered by DRYS. Currently, the program has eight youth officers and an estimated eighty active youth members. Participants range in age from under 10 to 18, with the majority between 10 and 15, and approximately 25% between 16 and 18.

YVOV participants develop their own goals and strategies, conduct meetings, elect officers, meet with community leaders and carry out service learning projects. The members also plan, host and facilitate regular service learning projects, conferences and special events, including the Steppin' Up To Solutions youth conference, the Youth Expo, the Salute to Youth Awards Ceremony, the Anti-Violence Lock-in, monthly service learning projects, and workshops.

YVOV members act as ambassadors at two national annual conferences - the Search Institutes Healthy Youth, Healthy Communities Conference, and the National Youth Crime Watch Conference. YVOV members often participate as youth experts on local panels and frequently participate in forums and events sponsored by partner agencies.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-91

Ordinance No. 2009-255  
(Int. No. 278)

Authorizing Agreements For Youth Voice, One Vision And  
Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

July 14, 2009

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for funding for Youth Voice, One Vision.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. The sum of \$13,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Nazareth College for service learning project coordination for Youth Voice One Vision. Said amount shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 4. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$35,000, which amount is hereby appropriated from funds to be received from the Rochester Area Community Foundation to fund Youth Voice, One Vision.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-256  
Re: Amendatory Agreement - Maranne  
McDade Clay, Grant Writing and  
Management

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Maranne McDade Clay, 190 Highland Parkway, Rochester, for services related to grant writing for the Department of Recreation and Youth Services. The original agreement (Ordinance No. 2007-143) established \$15,000 as maximum compensation and provided the option for three one-year renewals. This amendment will increase the annual maximum compensation by \$20,000 to \$35,000, and extend the term for an additional one-year renewal. The additional amount for years three and four will be funded from the 2008-09 and 2009-10 Budgets of the Department of Recreation and Youth Services, respectively.

The original scope of services included the research, development, and preparation of applications for grants and other public funds for submissions by the Rochester Cemeteries Heritage Foundation, Inc. A summary of Ms. Clay's accomplishments during the past two years is attached.

This amendment will expand the scope of work to include the management and oversight of the grants. Ms. Clay also provides grant writing support as necessary to the Friends of Mt. Hope and staff in the Department of Recreation and Youth Services.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-92

Ordinance No. 2009-256  
(Int. No. 279)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For A Grant Writer

July 14, 2009

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Maranne McDade Clay for services as a Grant Writer for the third and fourth renewal years of the current agreement, thereby raising the maximum amount for each year to \$35,000. The agreement may also be extended for an additional renewal year in an amount not to exceed \$35,000. Said amounts shall be funded from the 2008-09 and subsequent Budgets of the Department of Recreation and Youth Services, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-257

Re: Agreements - Veterinary Services

Transmitted for your approval is legislation establishing \$78,000 as maximum compensation for agreements for veterinary services for the City's Animal Services Unit during 2009-10. The cost of these agreements will be funded from the 2009-10 Budget of the Police Department.

Routine veterinary services to animals in custody at the City of Rochester's Verona Street animal shelter, including spay/neuter surgeries, are provided on-site through professional services agreements with several licensed veterinarians. Each of the consultant veterinarians provides services on a part-time or on-call basis. Weekend and evening emergency veterinary services are provided through an agreement with Animal Hospital of Pittsford/Animal Emergency Services clinic located at 825 White Spruce Boulevard.

The estimated veterinary services expenses for 2009-10 are as follows:

On-site veterinary services	\$72,000
Animal Emergency Services	<u>6,000</u>
Total	\$78,000

The shelter also expects to spend approximately \$50,000 for veterinary and surgical supplies; this amount has been included in the 2009-10 Budget. Offsetting revenues for spay/neuter surgeries are realized from sterilization fees charged to clients adopting animals from Animal Services, from the Low Income Spay-Neuter (LISN) Program, and from pets sterilized at redemption. Estimated revenues from these sources for 2009-10 are approximately \$90,000.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-257  
(Int. No. 280)

Establishing Maximum Compensation For Professional Services  
Agreements For Veterinary Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

July 14, 2009

Section 1. The sum of \$78,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for professional services agreements for the provision of veterinary services for the Animal Services Shelter for 2009-10. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-258

Re: Agreement - Center for Dispute  
Settlement, Complaint Management  
Services

Transmitted for your approval is legislation establishing maximum compensation of \$91,950 for an agreement with the Center for Dispute Settlement, Inc. (CDS), for the provision of services relating to complaints involving members of the Rochester Police Department. The cost of the agreement will be funded from the 2009-10 Budget of the Police Department.

The most recent agreement for this purpose was authorized in July 2008. The term of the new agreement will be from July 1, 2009 through June 30, 2010, and the amount is unchanged from the previous year.

The citizen complaint review process was established by City Council Resolution No. 92-40, and modified by Resolution No. 95-8. CDS will select and train panelists, conduct hearings, and maintain related records. CDS will continue to provide complaint intake services at its own offices. CDS will also provide conciliation services for less serious complaints against RPD personnel, and will supply civilian panelists for internal hearings.

During calendar 2008, CDS administered 21 Citizen Review Board hearings, and there were two conciliation sessions.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-258  
(Int. No. 281)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Continuation Of Citizen Complaint Services For  
The Rochester Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$91,950, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center For Dispute Settlement, Inc. for the continuation of services relating to citizen complaints involving members of the Rochester Police Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

July 14, 2009

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-259

Re: Amendatory Agreement -  
Cornerstone Training Institute,  
Asbestos Handling/OSHA Training

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Cornerstone Training Institute, Rochester, for continued training as part of the PRIME (Providing Realistic Incentives for Maintaining Employment) program. The original agreement for \$10,000 was executed in June; this amendment will increase maximum compensation by \$13,000 for a total of \$23,000. The additional cost will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Cornerstone Training Institute is providing training in asbestos handling and related Occupational Safety and Health Administration requirements. Up to 38 PRIME participants, all city residents, will receive a minimum of 32 hours of training. Those completing training will receive job placement assistance. This training also provides the units required for OSHA 10 certification.

Cornerstone Training Institute was chosen based upon its expertise and ability to rapidly mobilize and deliver quality training services.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-259  
(Int. No. 286)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For Training Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$13,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Cornerstone Training Institute for training of PRIME participants in asbestos handling and related OSHA requirements. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-260

Re: NLC Youth Summit

Transmitted herewith for your approval is legislation authorizing a \$15,000 agreement with NEAD as the fiduciary agent for the Freedom School to support the attendance of city youth at the Youth Summit in Hartford, CT. The legislation will also amend the 2008-09 Budget by transferring \$15,000 from the Contingency account to the Department of Recreation & Youth Services to fund the agreement.

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The National League of Cities (NLC) has been developing a growing number of programs aimed at youth in an effort to involve young people more directly in the life of their communities. One constituency group of the NLC, the National Black Coalition of Local Elected Officials (NBC-LEO), is holding its annual Policy Development meeting in Hartford from July 22-25. As part of that meeting, a Youth Summit has been planned that will engage young people from 13-24 years of age in discussions about leadership, education, and local government. This will be the second year that the Youth Summit will be held and it will build on the great success of last year's event.

The proposed funding will allow 25 Rochester youth plus four chaperones to attend the event. Councilmember Adam McFadden is a member of the NBC-LEO Policy Committee and will be in Hartford to provide some specific local connections for the youth at the Summit.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-260  
(Int. No. 287)

Establishing Maximum Compensation For An Agreement And  
Amending The 2008-09 Budget With Respect To A Youth Summit

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and North East Area Development (NEAD) to provide support for City students to attend a Youth Summit sponsored by the National League of Cities in Hartford, Connecticut. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$15,000 from the Contingency Account to the Department of Recreation and Youth Services to fund this agreement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:33 P.M.

DANIEL B. KARIN  
City Clerk